

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 1:19-CR-03113 JB

GENEVIVE ATENCIO,

Defendant.

**NOTICE OF COUNSEL'S REQUEST FOR APPROVAL OF NON-
APPEARANCE OR, IN THE ALTERNATIVE, NOTICE OF ATTENDANCE
PREFERENCE BY ZOOM**

Defendant, Genevive Atencio, by and through undersigned counsel, Michael V. Davis, respectfully requests the Court approve Defendant and undersigned counsel's non-appearance at the Omnibus Hearing currently scheduled for March 30, 2021. Respectfully, counsel states:

1. The above case is currently set for an Omnibus Hearing on March 30, 2021. Ostensibly, counsel's presence is required along with Defendant.
2. Defendant has withdrawn all motions she has filed, as well as all joinders in motions filed by co-Defendants in this case. Consequently, Defendant has no business before the Court at the Omnibus hearing.
3. Undersigned counsel has a long-standing dentist appointment at or about the same time as the scheduled hearing.
4. Further, Defendant is a certified dental assistant and is unable to get off of work on March 30, 2021.

5. In light of the above, Defendant is requesting she not be required to attend the scheduled Omnibus Hearing.

6. Similarly, undersigned counsel also requests that his appearance be waived.

7. In the alternative, if the Court denies this request, counsel hereby notifies the Court of his preference to attend the hearing remotely via Zoom.

8. Additionally, Defendant will provide notice of her waiver of personal appearance and agrees to appear remotely via Zoom.

9. Counsel has discussed this with AUSA, Elaine Ramirez, and she has no objection to counsel and Defendant's non-appearance at the Omnibus Hearing.

Respectfully submitted,

Michael V. Davis
Attorney & Counselor at Law, P.C.
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FILED ELECTRONICALLY

By: /s/ Michael V. Davis
Michael V. Davis
Attorney for Defendant Genevive Atencio

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I filed the foregoing document electronically through the CM/ECF system. Pursuant to the CM/ECF Administrative Procedures Manual, § 1(a) and § 7(b)(2), such filing is the equivalent of service on parties of record.

/s/ Michael V. Davis
Michael V. Davis